IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

CRP.No. 752 of 2007()

CMA.72/2004 of II ADDL. DISTRICT COURT, KOLLAM
OS.59/1992 of PRINCIPAL SUB COURT,KOLLAM
(IA 11/2001)
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REVN. PETITIONER/APPELLANT/PETITIONER/DEFENDANT:

B.RAMACHANDRAN UNNITHAN,
S/o. BHASKARA PILLAI, AMMMACHIVEEDU,
KAIKULANGARA, KOLLAM DISTRICT.

BY ADV. SRI.P.N.KRISHNANKUTTY ACHAN(SR.)
SRI.K.MOHANAKANNAN

RESPONDENT/RESPONDENT/RESPONDENT/PLAINTIFF:

G.CHANDRA MOHAN UNNITHAN,
S/o. GOPALA PILLAI, AMMACHIVEEDU,
KAIKULANGARA, KOLLAM DISTRICT.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN,J

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C.R.P.No.752 of 2007

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Dated this the 14th day of August, 2007

ORDER

This revision petition is preferred against the order of the Second Additional District Judge, Kollam in C.M.A.72/2004 refusing to interfere with the order passed by the court below to set aside the exparte decree. Along with the revision petition the petitioner has produced a medical certificate issued by the Parvathy Hospital. As per that certificate he was laid up with 'Viral fever' and 'Bronchinal Asthama' and he was advised rest from 8.11.2000 to 26.11.2000. It is true that the petitioner did not produce this certificate and tendered evidence before the court below to that effect. It is a serious lach on his part. But I find there is consistency about the ailment and the place of treatment and the doctor who treated him. Since at the revisional stage this document is produced I feel a second look into the matter is necessary after hearing of concerned. Therefore, at the admission stage itself I set aside the order passed by the court below and remand the matter to the trial

court giving an opportunity to the revision petitioner to produce this document and adduce oral evidence in support of the same so as to establish his case. Needless to say the other side has to be given an opportunity for cross examination and if necessary additional evidence in support of their contention. The revision petitioner is directed to appear before the court below on 12.9.2007 and the court below is directed to give notice to the other side on that date and fix date for further evidence and then dispose of the matter in accordance with law.

M.N.KRISHNAN,JUDGE

dvs